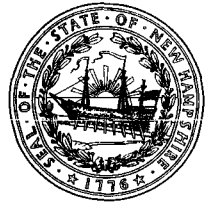




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Ms. Shahin Pervaiz
Emerald Isle Motel
351 Winnacunnet Rd
Hampton, New Hampshire 03842

LETTER OF DEFICIENCY
WMB PBF 05-08
July 6, 2005

Dear Ms. Pervaiz:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On July 6, 2005, in conjunction with town health officials, DES inspected the pool at the Emerald Isle Motel in Hampton, NH ("the Pool"). This inspection was result of a formal complaint citing water quality and safety issues.

During this inspection, the following deficiencies were noted:

1. Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. The pool was only being tested twice a day at the time of the inspection relative to the required testing of the Pool water.
2. Env-Ws 1104.04(a) requires the following safety devices to be present at all public pools: (1) a light, strong pole not less than 12 feet long, including a body hook, and (2) a minimum one-fourth inch diameter throwing rope as long as one and one-half times the maximum width of the pool or 50 feet, whichever is less, to which has been firmly attached a ring buoy with an outside diameter of approximately 15 inches or a similar flotation device. The pole with a body hook was not present at the Pool at the time of inspection.
3. Pursuant to Env-Ws 1104.03(c), signs shall provide the location of the nearest telephone. The location of the nearest telephone was not posted at the Pool at the time of the inspection.
4. Env-Ws 1104.03(e)(1) states that the depth of water in feet shall be plainly and conspicuously marked at or above the water line on the vertical pool wall and on the top of the coping or edge of the deck or walk next to the pool. The depth of the Pool was not marked on the pool deck.
5. Pursuant to Env-Ws 1103.11, all outdoor swimming pools shall have a wall, fence or other enclosure constructed around the entire pool or recreational area, which shall include self-closing and self-latching gates and shall be a minimum of 4 feet high measured on the inside and outside. The enclosure surrounding the Pool does not include self-closing and latching gates.
6. Env-Ws 1105.01(k)(19) requires pool filtration systems to include a flow meter. The filtration system for the Pool did not include a flow meter.

On August 13th, 2004 a Letter of Deficiency (WMB PBF 04.18) was issued to you as a result of an inspection conducted August 3rd, 2004. The letter outlined numerous deficiencies and provided a reasonable timetable of when you were to be in full compliance. From the inspection of July 6th, 2005 it is clear that none of listed deficiencies have been corrected. DES expects the cited deficiencies will be corrected within 30 days.

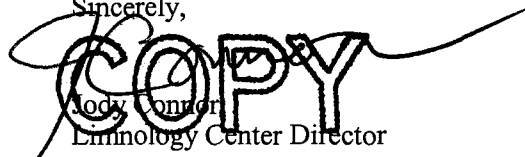
A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 15 calendar days from receipt of this letter. The report should include the following:

1. The type, manufacture, and model of the flow meter to be installed.
2. A timetable of when:
 - a. the safety items will be in place;
 - b. a self-latching/ self-closing gate will be in place;
 - c. the depth will be marked;
 - d. the sign locating the nearest telephone will be posted; and
 - e. the installation of the flow meter will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Tim Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,


Jody Connor
Enmnology Center Director

Certified Mail # 7000 1670 0000 0587 7354

cc: Gretchen R. Hamel, Legal Unit Administrator, DES
Tim Wilson, Public Bathing Facility Coordinator, DES
Kevin Schultz, Health Officer, Town of Hampton